

McAllister Fund Defining Principles

Adopted by the Quality Growth Commission September 12, 2001

Background: The Quality Growth Commission is committed to prudently balancing the conservation and economic interests in the state since both are relevant to quality growth. Accordingly, the Commission desires to only use state critical land preservation funds when appropriate standards are met. The application of these standards is articulated here through three defining principles and the requisite implementation steps and intent language. Compliance with these principles will complement the Commission's legislative recommendation for a net gain of private land in the state and serve to protect the state's economic interests.

Purpose: The defining principles presented here are intended to guide Commission deliberations regarding the use of McAllister fund monies throughout the remainder of CY 2001. As the application of these principles (and the associated implementation steps and intent language) evolves the Commission may make revisions and consider a formal recommendation to incorporate these principles into the Quality Growth Act in state statute.

Principles: Principle #1 – Local Control

McAllister funds may be used to acquire land or an easement only after the local elected legislative body within whose jurisdiction the subject property lies has in a public meeting, subject to normal notice requirements, provided the opportunity for public input and has subsequently approved the acquisition.

Implementation Steps

- Applicant to seek local elected legislative body approval
- Approval is to come from the municipality if the property is in an incorporated area and the county if the property is in an unincorporated area
- Counties and nearby municipalities will be invited to comment on all acquisitions
- Commission will consider a local legislative body has waived its right to object if the body has not placed the acquisition on their agenda within three (3) months of the submission and/or fails to make a decision within six (6) months of the submission

Principle #2 – Defining the Public Benefit

McAllister funds may be used for an acquisition of land or an easement only after the Commission has prepared, reviewed and adopted a statement of findings describing the compelling public benefit(s) that are unique or irreplaceable to be derived from the acquisition.

Implementation Steps

- Commission may use the services of a technical advisory team who will be guided by the application of these principles to prepare and review a statement of findings
- Unique and irreplaceable are defined to include lands or easements for which a reasonable person would accept that without the acquisition a compelling public benefit, not otherwise provided by other public lands or easements, would be substantially and permanently lost
- Public benefits include health; recreation; cultural, scenic and historical preservation; sustaining agricultural capacity; watershed; wetlands; wildlife habitat; economic development; and, equally significant others
- Public lands or easements includes conservation easements held by public, private, or not-for-profit entities
- In the event an application to the McAllister fund proposes to acquire fee title to land currently held in the private sector, the applicant must show why the compelling public benefits of acquiring this land cannot be reasonably accomplished in other ways where the fee title remains owned by the private for-profit sector and methods such as conservation easements are used to accomplish the public objectives

Further intent

- This provision is intended to safeguard against McAllister funds being used to acquire easements or interests in land unless such acquisition can be demonstrated to possess qualities or attributes beyond simply location that are unique and irreplaceable. Two examples help clarify this intent:

Example #1

Unique and irreplaceable may include a specific watershed area, even though other watershed areas already benefit the public, because the specific watershed area is critical to ensure the adequacy of the water supply of a given area

Example #2

Unique and irreplaceable would not include open space in an area where the majority of the land is already publicly owned and managed to remain as open space, unless the particular open space can be proven to possess some compelling benefit other than being open and undeveloped.

This provision is also intended to minimize the acquisition of fee title private lands where the public benefits derived from conserving that land or portions of it can be obtained while still leaving the property in private sector ownership.

Example #3

Farmer Brown owns 300 acres of fertile irrigated ground that also serves as a trail access point for large tracts of adjacent public ground. The local community desires a trail link across Farmer Brown's property and this is the principle reason for wanting to acquire this parcel. Depending on the circumstances, it appears that the most reasonable way for the local community to proceed would be to simply acquire a trail easement from Farmer Brown (or another successor owner) instead of purchasing the entire 300 acre parcel. This would allow the remaining property to remain in the private sector.

Principle #3 – Housing Affordability and Economic Opportunity

McAllister funds may be used in an acquisition which materially impacts housing affordability and economic opportunity in an area only after the Commission has identified a compelling and off-setting public benefit which, in the balance of the greater public good, adequately mitigates the anticipated negative impact on housing affordability and/or economic opportunity.

Implementation Steps

- McAllister funds will not be used until the potential conflict between preservation and economic development and housing affordability has been addressed to the satisfaction of the Commission
- The Commission may use the services of a technical advisory team to prepare and review a statement of findings

Further intent

- This principle is intended to draw attention to the relationship between preservation and economic opportunity
- The Commission recognizes that this relationship has potential to be either complementary or adverse
- A partial resolution to any conflict can be obtained through the Commission's legislative recommendation for a net gain of private land in the state